

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JIMMY L. BANKS, *et al.*,

Plaintiffs,

vs.

FREDDIE MAC, *et al.*,

Defendants.

Case No. 2:11-cv-00648-GMN-CWH

ORDER

This matter is before the Court on Plaintiff's Motion to for Clarification of Order #102 (#104), filed on April 4, 2012. The Court also reviewed Defendant Ticor Title of Nevada's Response (#105), filed on April 11, 2013, and Plaintiff's Reply (#108), filed on April 22, 2013.

BACKGROUND

This action concerns a foreclosure and eviction related to property located at 2400 Lexington Street, North Las Vegas, 89030. Defendants filed a Petition for Removal to this Court on April 25, 2011. On February 26, 2013, Plaintiff filed the Second Motion to Compel (#92) regarding his Third Set of Requests for Discovery. On March 20, 2013, the Court dismissed all claims against Defendants Ticor Title of Nevada, Freddie Mac, Merscorp, Inc., and Mortgage Electronic Registration Systems, Inc. with prejudice. *See* Order #101. On March 21, 2013, the Court denied without prejudice Plaintiff's Second Motion to Compel. *See* Order #102. In the instant motion, Plaintiff seeks clarification of Order #102.

DISCUSSION

After careful review, the Court finds that Plaintiff has failed to cite the standard for reconsideration and his motion for clarification lacks points and authorities. Plaintiff's Motion appears to be focused on the Court's Order #101 rather than the undersigned's Order #102. Plaintiff contends that the Court has not enforced discovery rules and procedure. The Court is not

1 persuaded by Plaintiff's argument as his Second Motion to Compel was denied for several reasons,
2 including failure to comply with Federal Rule of Civil Procedure 37(a)(1) and Local Rule ("LR")
3 26-7(b). Additionally, the Court highlighted the fact that Plaintiff's Motion to Compel failed to
4 identify which defendant he sought discovery from and whether that defendant has possession of
5 the promissory note or other documents related to the property that he sought to compel.
6 Moreover, the Court found that Plaintiff failed to demonstrate that the items he sought are
7 discoverable as to the final remaining claim. The Court afforded Plaintiff the opportunity to re-file
8 if he could correct the noted deficiencies, but he declined to do so.

9 Based on the foregoing and good cause appearing therefore,

10 **IT IS HEREBY ORDERED** that Plaintiff's Motion to for Clarification of Order #102
11 (#104) is **denied**.

12 DATED this 30th day of April, 2013.

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15 **C.W. Hoffman, Jr.**
16 **United States Magistrate Judge**
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